

ZACHARY T. CARLYLE
carlylez@sec.gov
TERRY R. MILLER
millerte@sec.gov
SECURITIES AND EXCHANGE COMMISSION
1961 Stout Street, 17th Floor
Denver, Colorado 80294
(303) 844-1000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

- against -

ALPINE SECURITIES CORPORATION,

Defendant.

17-cv-4179-DLC

NOTICE OF MOTION

ECF CASE

Please take notice that Plaintiff United States Securities and Exchange Commission moves this Court to exercise its inherent power to enjoin Defendant Alpine Securities Corporation and Scottsdale Capital Advisors from further prosecuting a recently filed suit in the United States District Court for the District of Utah, which asserts claims against the Commission under the Administrative Procedure Act that are functionally identical to those already rejected in this Court's March 30, 2018 Order denying Defendant's cross-motion for summary judgment, as well as to those raised in a mandamus petition pending before the Court of Appeals for the Second Circuit. The Commission has submitted a Memorandum of Law in support of its motion.

Respectfully submitted this 3d day of July, 2018.

/s/ Terry R. Miller

Zachary T. Carlyle (*pro hac*)

Terry R. Miller (*pro hac*)

Attorneys for Plaintiff

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION

1961 Stout Street, 17th Floor

Denver, Colorado 80294

(303) 844-1000

CERTIFICATE OF SERVICE

I certify that on July 3, 2018, a copy of the foregoing document was served via ECF upon the following:

Brent R. Baker
Aaron D. Lebenta
Jonathan D. Bletzacker
CLYDE SNOW & SESSIONS
One Utah Center, 13th Floor
201 South Main Street
Salt Lake City, Utah 84111-2216

Maranda E. Fritz
Thompson Hine LLP (NYC)
335 Madison Avenue, 12th Floor
New York, NY 10017

Counsel for Alpine Securities Corporation

/s/ Marla J. Pinkston
Marla J. Pinkston